

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

HARDY STORAGE COMPANY, LLC,

Plaintiff,

v.

// CIVIL ACTION NO. 2:07CV11  
(Judge Keeley)

PROPERTY INTERESTS NECESSARY TO  
DRILL WELLS TO CONDUCT GAS STORAGE  
OPERATIONS IN THE ORISKANY SANDSTONE  
SUBTERRANEAN GEOLOGICAL FORMATION  
BENEATH PROPERTIES LOCATED IN  
HARDY COUNTY, ET AL.,

Defendants.

ORDER GRANTING JOINT MOTION FOR APPOINTMENT OF TRUSTEE TO  
REPRESENT INTERESTS OF UNKNOWN POTENTIAL REMAINDERMEN  
AND KNOWN POTENTIAL REMAINDERMEN WHOSE INTERESTS  
CANNOT BE DETERMINED AT THIS TIME

On September 14, 2007, plaintiff Hardy Storage Company, LLC ("Hardy") and two defendants, Joseph Cirillo and Scott Whetzel, jointly moved to appoint attorney John Athey as trustee to represent the interests of the unknown potential remaindermen as well as the known potential remaindermen whose interests and potential interests can not be determined at this time.

For the reasons set forth in the motion, the Court **GRANTS** the joint motion (dkt. no. 47). Mr. Athey's compensation is set at \$150.00 per hour, plus reimbursement of reasonable out of pocket expenses and mileage at the rates established by the Internal Revenue Service. Mr. Athey's fees and expenses will be paid on an

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interim basis by Hardy, without waiving their right to move for reimbursement of the fees and expenses as part of the final judgment in this action.

It is so **ORDERED**.

The Clerk is directed to transmit copies of the order to counsel of record and all pro se parties.

DATED: October 30, 2007.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE